

ORIGINAL NEW APPLICATION Holland & Knight

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AZ CORP COMMISSION
DOCKET CONTROL



Arizona Corporation Commission

DOCKETED

APR 26 2010

April 23, 2010

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VIA FEDEX

Arizona Corporation Commission
Docket Dept.
1200 W Washington
Phoenix, Arizona 85007.

T-04185A-10-0154

Re: Name Change of CM Tel (USA) LLC to ComNet (USA) LLC

Dear Sir or Madam:

By this letter, and pursuant to discussions with Pamela Genung of the Commission's staff, the undersigned counsel to ComNet (USA) LLC, the undersigned counsel hereby submits on the company's behalf a new original tariff in the company's name. Except for a minor editorial change requested by the staff, this tariff is identical to the one submitted by the undersigned counsel by letter dated February 23, 2010.

By this letter, the undersigned counsel further advises the Commission that the sole officers and directors of ComNet (USA) LLC are: Kee Tong Yuen and David Tin Wai Chan, both of whom are Managers of the company.

Should any questions arise concerning this matter, please feel free to contact the undersigned counsel directly.

Sincerely,

Eric Fishman

Counsel to
ComNet (USA) LLC (formerly CM Tel (USA) LLC)

Enclosure

Atlanta | Bethesda | Boston | Chicago | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami | New York
Northern Virginia | Orlando | Portland | San Francisco | Tallahassee | Tampa | Washington, D.C. | West Palm Beach
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* Representative Office

Arizona Corporation Commission
April 23, 2010
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cc: Pamela Genung

9353367_v1

ARIZONA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by ComNet (USA) LLC, with offices at 700 South Flower Street, Los Angeles, CA 90017. This tariff applies for services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's place of business.

Issued:

Effective:

Issued by: Linda Peng, Secretary
700 South Flower Street
Los Angeles, CA 90017
Telephone: 800-574-7521

CHECK SHEET

Sheets 1 through 18 inclusive of this tariff are effective as of the date shown at the bottom of the respective page(s).

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SYMBOLS

The following are the only symbols used for the purposes indicated below:

(DR) - Discontinued rate

(AT) - Additions to text

(RT) - Removal of text

(CR) - Change in rate

(CP) - Change in practice

(CT) - Change in text

(NR) - New rate

(C) - A correction

(MT) - Move of text

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TARIFF FORMAT

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.
- C. Paragraph Numbering Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.1.
 - 2.1.1.
 - 2.1.1.A.
 - 2.1.1.A.1.
 - 2.1.1.A.1.(a).
 - 2.1.1.A.1.(a).I.
 - 2.1.1.A.1.(a).I.(i).
 - 2.1.1.A.1.(a).1.(i)(1)
- D. Check Sheets - When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk. There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Commission.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to a ComNet (USA) LLC network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - ComNet (USA) LLC

Customer - The person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 AM up to but not including 5:00 PM local time Monday through Friday.

Commission - Arizona Corporation Commission.

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

Holidays - ComNet (USA) LLC's recognized holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

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SECTION 2 - RULES AND REGULATIONS**2.1 Undertaking of ComNet (USA) LLC**

ComNet (USA) LLC services and facilities are furnished for communications originating at specified points within the State of Arizona under terms of this Tariff. ComNet (USA) LLC installs, operates, and maintains the communication services provided here under in accordance with the terms and conditions set forth under this Tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the ComNet (USA) LLC network. The customer shall be responsible for all charges due for such service arrangement. The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of facilities and the provisions of this tariff.
- 2.2.2 ComNet (USA) LLC reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control; or when the customer is using service in violation of the law or the provisions of this Tariff.
- 2.2.3 All facilities provided under this Tariff are directly controlled by ComNet (USA) LLC and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

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SECTION 2 - RULES AND REGULATIONS

2.2 Limitations (Cont.)

2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this Tariff shall apply to all such permitted assignees or transferees, as well as small conditions for service.

2.2.5 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

2.4 Liabilities of The Company

2.4.1 ComNet (USA) LLC's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customers for the period during which the aforementioned faults in transmission occur.

2.4.2 ComNet (USA) LLC shall not be liable for and shall be held harmless by the customer against:

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.

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SECTION 2 - RULES AND REGULATIONS**2.4 Liabilities of The Company (Cont.)**

- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by ComNet (USA) LLC.

2.5 Interruption of Service

- 2.5.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.4 herein. It shall be obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control, or is not in wiring or equipment, if any, furnished by the customer and connected to the Company's facilities.
- 2.5.2 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.5.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.5.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = \frac{A \times B}{720}$$

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SECTION 2 - RULES AND REGULATIONS

2.5 Interruption of Service (Cont.)

"A" - outage time in hours

"B" - total monthly charge for affected facility

2.6 Restoration of Service

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

2.7 Advance Payments

The Company does not require advance deposits.

2.8 Taxes

All state and local taxes (i.e., gross receipts tax sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

2.9 Cancellation by Customer

Customer may cancel service by providing written notice to the Company.

2.10 Refusal or Discontinuance by Company

Company may refuse or discontinue service under the following conditions and in accordance with Commission rules, if any. Unless otherwise stated, the Customer will

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SECTION 2 - RULES AND REGULATIONS**2.10 Refusal or Discontinuance by Company (Cont.)**

be given 30 day's written notice and allowed a reasonable time to comply with any rule or remedy any deficiency.

- (a) For non-compliance with and/or violation of any State or municipal law, ordinance or regulation pertaining to telephone service.
- (b) For the use of telephone service for any other property or purpose other than that described in the application.
- (c) For failure or refusal to provide the Company with a deposit, if applicable, when requested, to insure payment of bills in accordance with the Company's regulations or failure to meet the Company's credit requirements.
- (d) For neglect or refusal to provide reasonable access to Company for the purpose of inspection and maintenance of Company-owned Equipment.
- (e) For non-compliance with and/or violation of the Commission's regulations or the Company's rules and regulations on file with the Commission, provided 30 days' written notice is given before termination.
- (f) For non-payment of bills for telephone service. Suspension or termination of service shall not be made without five (5) working days' written notice to the Customer, or otherwise, in compliance with Commission rules.
- (g) Without notice in the event of Customer use of equipment in such a manner as to adversely affect the Company's equipment or the Company's service to others.
- (h) Without notice in the event of tampering with the equipment furnished and owned by the Company.

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SECTION 2 - RULES AND REGULATIONS

2.13 Refusal or Discontinuance by Company (Cont.)

- (i) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the Company may, before restoring service, require the Customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use.
- (j) For failure of the Customer to make proper application for service.
- (k) When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.

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SECTION 3 - DESCRIPTION OF SERVICE**3.1 Timing of Calls**

The customer's long distance usage charge is based on the actual usage of ComNet (USA) LLC's network. Usage begins when the called destination returns answer supervision, determined through receipt of a signal sent by the local telephone company to the Company switch, or through software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

3.2 Minimum Grade of Service

A customer can expect a minimum grade of service (successful access to non-Company networks) of not less than 90% during peak use periods for all Feature Group D services.

3.3 Special Services

For the purpose of this tariff, a Special Service is deemed to be any service requested by the customer for which there is no prescribed rate in this tariff. Special Service charges will be developed on an individual case basis and filed in this tariff.

3.4 General Description of Company's Communication Services

There are three types of service: Common shared access switched service, hereinafter referred to as Message Toll Service or MTS, inbound Wide Area Telecommunications Service (WATS), and Directory Assistance. The customer's total monthly use of Company's service is charged at the applicable rates per minute set forth herein.

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SECTION 3 - DESCRIPTION OF SERVICE**3.4.1 Message Toll Service (MTS)**

MTS service is a one-way direct dial service utilizing dial-up access, making use of common shared access lines connecting the customer with Company facilities. In central offices where equal access is not available, customers may use MTS service by dialing a 7-digit access number. MTS is available to business and residential Customers for direct dial calling from presubscribed telephones. There is no minimum commitment required. Calls are billed in six (6) second increments after the initial minimum period of eighteen (18) seconds, with the fraction, if any, of the last minute of each call rounded up to the next highest whole minute, unless stated otherwise.

3.4.2 Inbound Wide Area Telecommunications Service (WATS)

WATS service is a custom switched telecommunications service which permits inbound 800-number service from stations located in the State of Arizona to a station associated with a customer's local exchange telephone number. For each call under the WATS option the minimum charge shall be the applicable charge for one minute of use with use in excess of one minute during a call charged at the applicable rate per minute, with the fraction, if any, of the last minute of each call rounded up to the next highest tenth of one minute, unless stated otherwise. For plans that offer a volume discount, interstate, intrastate and international calls (except directory acceptance calls) will be aggregated to determine the Customer's volume level achieved in a monthly billing cycle.

3.4.3 Directory Assistance

Directory Assistance is available to customers of any of the Company's services. A charge will apply to each Directory Assistance call. The charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number. Up to two requests may be made on each Directory Assistance call. Directory Assistance charges will not count towards any volume discounts.

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SECTION 4 - RATES**4.1 Time of Day Rate Periods**

For time of day sensitive products, the appropriate rates apply for day (DAY), evening (NON-DAY) and night/weekend (NON-DAY) calls based on the following chart.

	MON	TUES	WED	THUR	FRI	SAT	SUN
8:00 AM TO 5:00 PM	DAYTIME RATE PERIOD						
5:00 PM TO 11:00 PM*	EVENING AND NON-DAY RATE PERIOD						EVE & N.D.
11:00 PM TO 8:00 AM*	NIGHT/WEKEND AND NON-DAY RATE PERIOD						

* to, but not including

Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect in that boundary for each portion of the call.

4.2 Rates and Charges

The Customer is charged individually for each call placed through the Carrier. Customers are billed based on their use of Company's service. Rates may vary by call duration, time of day, and product type.

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SECTION 4 - RATES**4.2.1 MTS and WATS Services**

Calls are billed in six (6) second increments after the initial minimum period of eighteen (18) seconds.

Mileage	DAYTIME		EVENING		NIGHT/WEEKEND	
	Initial 18 Sec.	Add'l 6 Sec.	Initial 18 Sec.	Add'l 6 Sec.	Initial 18 Sec.	Add'l 6 Sec.
All Miles	.0884	.0295	.0884	.0295	.0884	.0295

4.2.2 Directory Assistance

Directory Assistance is available to Customers of Company's MTS and WATS Services. Directory Assistance charge applies to each call to the Directory Assistance Bureau. Up to two requests may be made on each call to Directory Assistance. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

Per Call Charge: \$0.60

4.2 Special Promotions

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the Commission with specific starting and ending dates and under no circumstances run for longer than 90 days in any 12 month period.

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